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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,993	08/18/2003	Ruthie D. Lyle	BLD920020001US1A (IBMN.02)	3506

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EXAMINER

O'MALLEY, KATHRYN S

ART UNIT	PAPER NUMBER
3749	

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/642,993	Applicant(s) LYLE ET AL.	
	Examiner Kathryn S. O'Malley	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/18/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6, 7, 1-13, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Gooray et al.
3. Gooray et al teaches a method and apparatus of drying printed media using an electromagnetic signal comprising receiving the printed media 14 into resonant cavity 28 via inlet 100 coupled to waveguide 70, drying the printed media 14 using an electric field, and passing the printed media 14 through to an outlet 110 with waveguide 66, wherein the waveguides have stubs to attenuate the electric field. Note column 8, line 26- column 10, line 12 and Figures 6-8.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gooray et al.

6. Gooray et al. does not teach stubs having a dimension equal to one quarter the wavelength of the electromagnetic signal. However, such a limitation would have been obvious to one of ordinary skill in the art since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

7. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gooray et al. as applied to claim 1 above, and further in view of Johnson.

8. Gooray et al. does not teach a stream of air in association with his drying method. Johnson teaches a similar electromagnetic processing method with air being provided near the inlet end of cavity 10 and exhausted through the outlet 16. Note column 3, lines 48-56 and Figures 1 and 2. As Johnson teaches that a stream of air flowing from the inlet to the outlet, in addition to electromagnetic treatment, will reduce transportation time and power requirements, it would have been obvious to one of ordinary skill in the art to modify the method of Gooray et al. with the air stream of Johnson.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gooray et al. as applied to claim 1 above, and further in view of Buckley.

10. Gooray et al. does not teach pinch rollers at the outlet of his dryer. Buckley teaches a similar electromagnetic drying method comprising pinch rollers 224 and 238. Note column 7, line 63- column 8, line 41 and Figure 10. As Buckley teaches that pinch rollers will provide compression drying for additional drying in an electromagnetic drying device, it would have been obvious to one of ordinary skill in the art to modify the drying apparatus of Gooray et al. with the pinch rollers of Buckley.

11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gooray et al. as applied to claim 1 above, and further in view of Kasevich.

12. Gooray et al. does not teach an article of manufacture comprising a storage medium readable by a computer to execute his drying method. Kasevich teaches a similar method comprising electromagnetic treatment wherein the instructions for carrying out the method are stored on a disk to be read by a computer. Note column 8, lines 46-57. As Kasevich teaches that storing information on a disk will enable automatic and efficient operation, it would have been obvious to one of ordinary skill in the art to modify the method of Gooray et al. with the step of storing information on a disk, as taught by Kasevich.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Scalese et al., Kikichi et al., Vankoughnett, and Schmidt et al. teach similar electromagnetic drying methods and apparatus.

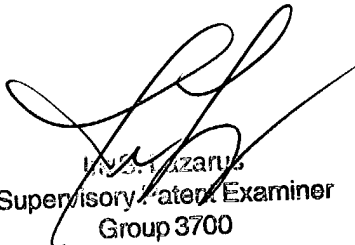
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathryn S. O'Malley whose telephone number is (703)308-2844. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on (703)308-1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3749

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KSO



J. S. Pizarro
Supervisory Patent Examiner
Group 3700